

## REMARKS

Claims 1-34 are pending in the present application. The Applicants amend claims  
5 1, 2, 8, 10-19, 21-24, 27, 30, 32-34 in the present amendment; no new matter has been added.  
The Applicants also correct the informalities in the specification and the claims as the  
Examiner requested.

*In the Office Action mailed 10 November 1998, the Examiner rejected claims 1,*  
10 *5-8, 12, 16-19, 23, 27-30, and 34 under 35 U.S.C. § 102(e) as being anticipated by Clark,*  
*II et al (U.S. Patent No. 5,686,912).* Amended independent claims 1, 12, 23, and 34 include  
limitations not taught by Clark, II et al. For example, amended claim 1 includes the  
limitation "*ceasing compression for subsequent data blocks*"; amended claim 12 includes the  
limitation "*receiving multiple records for storage*" and "*terminating compression of*  
15 *subsequent data records*"; amended claim 23 includes the limitation "*user adjustable and*  
*programmable compression criteria*" and "*ceasing compression of future data blocks*"; and  
amended claim 34 includes "*ceasing compression of subsequent data blocks.*" Since these  
claims include limitations not taught by Clark II, et al., the Examiner's rejection of claims  
1, 5-8, 12, 16-19, 23, 27-30, and 34 under 102(e) is overcome.

20 *In the same Office Action, the Examiner rejected claims 2-4, 9-11, 13-15, 20-22,*  
*24-26, and 31-33 under 35 U.S.C. § 103(a) as being unpatentable over Clark, II et al.*

First, the Examiner states that "[w]atchdog timers per se are well known in the art."  
The Applicants respectfully dispute whether "watchdog timers" are well known in the field  
25 of data compression. The Applicants respectfully request evidence of such fact or  
knowledge. If none is shown, then the Applicants respectfully request the Examiner to  
withdraw the §103 rejection based on such alleged fact or knowledge.

Second, with respect to claims having corresponding limitations, and based on "watchdog timers per se [being] well known in the art," the Examiner states that "[t]he person having ordinary skill in the art would have found it obvious to modify Clark, II et al. to cease compression for a predetermined time rather than until predetermined conditions exist in the data." The Applicants respectfully disagree again. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, there is no suggestion or motivation to modify Clark, II et al. as described. In fact, Clark II, et al. teach away from such suggestion. In FIG. 2 of Clark, II et al., step 38 describes the generation of compressed data regardless of whether operating in its raw mode or its compress mode. It is absolutely necessary in Clark, II et al. to continue compressing data in its raw mode in order to return to its compress mode. In addition, if compression did not continue during the raw mode, it would be impossible to calculate the average described in col. 3. Since Clark, II et al. teach away from that described, the corresponding claims are nonobvious in view thereof.

Third, with respect to claims having corresponding limitations, the Examiner states that "[t]he person having ordinary skill in the art would have found it obvious to modify Clark, II et al. to count the number of data blocks that were compressed "sufficiently," i.e. above a predetermined threshold." Again, Clark, II et al. teaches away from such suggestion. Clark, II et al. emphasizes the use of the average which "exhibits a significant correlation between current compressibility and previous compressibility" (col. 3, lines 62-65). Because of the importance of "the *trend* in the characteristics of the data" (col. 4, 16-17) to Clark, II

et al., it teaches away from those limitations and the corresponding claims are nonobvious in view thereof.

Fourth, with respect to those corresponding dependent claims, Clark, II et al. do not teach nor suggest "a fixed window."

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The Applicants respectfully request entry of the amendment and reconsideration of claims 1-34. The Applicants submit that the claims overcome the prior art of record and the present application is in a condition of allowance.

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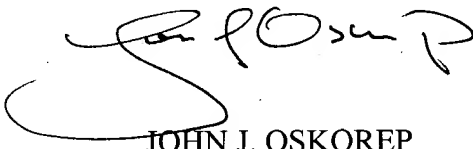
Applicants believe there are no fees required for this Amendment, however, authorization is given to debit USPTO Deposit Account No. 09-0442 for any fee that may be due.

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Should the Examiner have any questions regarding this Amendment, he is respectfully requested to contact the undersigned.

Respectfully submitted,

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